

2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERNEST FLENTALL, #215401,

Plaintiff,

v.

CASE NO. 2:10-CV-10592
HONORABLE ROBERT H. CLELAND

NANCY LANGE, et al.,

Defendants.

10
FEB 18 2010
U.S. DIST. COURT CLERK
DETROIT, MI
FILED
PA

**ORDER TRANSFERRING CASE TO THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN**

Before the Court is Plaintiff Earnest Flentall's *pro se* civil rights complaint brought pursuant to 42 U.S.C. § 1983. Plaintiff is a Michigan prisoner currently confined at the Chippewa Correctional Facility in Kincheloe, Michigan. The actions giving rise to the complaint appear to have occurred while he was confined at the Lakeland Correctional Facility in Coldwater, Michigan. Plaintiff raises medical care and retaliation claims and names several employees at the Lakeland Correctional Facility as defendants in this action. Plaintiff sues the defendants in their official and individual capacities and seeks monetary damages and injunctive relief.

The proper venue for civil actions in which jurisdiction is not based on diversity of citizenship is the judicial district where: (1) any defendant resides if all defendants reside in the same state; (2) a substantial part of the events or omissions giving rise to the claim occurred or a substantial part of the property in question is situated; or (3) any defendant may be found if there is no other district in which plaintiff may bring the action. 28 U.S.C. § 1331(b). Public officials

"reside" in the county where they serve. *See O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972).

Pursuant to 28 U.S.C. § 1404(a), a district court may transfer a civil action to any other district where it might have been brought for the convenience of the parties and witnesses, in the interest of justice.

Having reviewed the complaint, the Court finds that the United States District Court for the Western District of Michigan is a more appropriate forum for this action. Plaintiff resides in Chippewa County, the defendants reside in Branch County, and the events giving rise to the complaint occurred in Branch County. Chippewa County lies in the Northern Division of the Western District of Michigan and Branch County lies in the Southern Division of the Western District of Michigan. *See* 28 U.S.C. § 102(b). Accordingly, the Court **ORDERS** the Clerk of the Court to transfer this case to the United States District Court for the Western District of Michigan. 28 U.S.C. §§ 1391(b) and 1404(a).

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: February 18, 2010